

REMARKS

This reply is being submitted by Applicant to supplement the amendment filed on February 26, 2009. According to the Advisory Action mailed March 19, 2009, “Applicants’ amendment to independent claim 1, which removes the limitation ‘Eudragit polyacrylic acid, Eudragit S, and Eudragit L’ and replaces it with ‘anionic polymers of methacrylic acid that dissolve at a pH of 5.5 to 7,’ broadens the scope of the claim. The present recitation is interpreted by the Examiner as claiming ANY anionic polymer of methacrylic acid that dissolves at a pH of 5.5-7.”

However, this amendment to claim 1 was made solely to remove the trademarks (e.g. Eudragit) from the claim, not broaden the scope. The new language is intended to be generic for Eudragit S and Eudragit L only. This language is found at the manufacturer’s website for Eudragit S and Eudragit L: <http://www.pharma-polymere.de/pharmapolymers/en/eudragit/entericcoatings/>. In fact, Eudragit S and Eudragit L are the only anionic polymers of methacrylic acid that dissolve at a pH of 5.5 to 7 disclosed in the originally-filed application.

In view of the foregoing, it is Applicants’ position that the amendment to claim 1 does not broaden the scope of claim 1 and does not necessitate a new/additional search by the Examiner. Therefore, entry of the amendment filed February 26, 2009 and the current Supplemental Reply is respectfully requested.

Applicant: P. Stark et al.
Application No. 10/814,293

Docket No. 33976.00003

CONCLUSION

In view of the above claim amendments and the foregoing remarks, this application is believed to be in condition for allowance. Reconsideration is respectfully requested. However, the Examiner is requested to telephone the undersigned if there are any remaining issues in this application to be resolved.

Finally, if there are any additional charges in connection with this response, the Examiner is authorized to charge Applicant's deposit account number 50-1943 therefor.

Respectfully submitted,

/Sarah Klosek/

Date: April 27, 2009

Sarah Klosek
Reg. No. 55,332

FOX ROTHSCHILD LLP
Princeton Pike Corporate Center
2000 Market Street
Tenth Floor
Philadelphia PA 19103

Telephone: 609-844-3024